

**REMARKS/ARGUMENTS**

Favorable reconsideration and allowance of the present application is respectfully requested. Claims 1, 3-6, 8-17, 19 and 20 are pending in the above application, of which claims 1 and 19 are independent. By the above amendment, claims 2 and 18 have been cancelled without prejudice.

The Office Action dated April 7, 2010, has been received and carefully reviewed. In that Office Action, claims 1-6 and 18-20 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite, claims 1, 5, 6, 9, 11, 12, 17 and 18 were rejected under 35 U.S.C. 102(b) as being anticipated by DE 10132485 ("Seewald"), and claims 2-4 and 19-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Seewald in view of Cribari. In addition, claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Seewald in view of Chiba, claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Seewald in view of Gowan, claims 13 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Seewald in view of Yamamoto '935, and claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over Seewald in view of Yamamoto '458. It is believed that all pending claims are allowable over the art of record, and reconsideration and allowance of claims 1, 3-6, 8-17, 19 and 20 is respectfully requested in view of the above amendments and the following remarks.

**INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement filed March 20, 2009, was previously objected to by the examiner. However, the Advisory Action mailed June 22, 2010,

indicates that the references listed on March 20, 2009, IDS have now been considered.

REJECTIONS UNDER 35 U.S.C. 112, SECOND PARAGRAPH

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, because the claimed heat exchanger does not include a "removably mounted" cover in its final form. The phrase "removably mounted" has been removed from claim 1 and replaced with the word "arranged" that was used in original claim 1.

Claim 19 has been rewritten to include the limitations of claim 18, and claim 18 has been cancelled. Amended claim 19 also recites that the first and second covers are "mounted" rather than "removably mounted" in open ends of chambers.

The withdrawal of the rejections of claims 1-6 and 8-20 under 35 U.S.C. 112, second paragraph, are respectfully requested in view of these amendments.

REJECTIONS UNDER 35 U.S.C. 102(b)

Claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Seewald. By the above amendment, the limitations of claim 2 have been added to claim 1. Claim 2 was not rejected under 35 U.S.C. 102(b) as being anticipated by Seewald. It is therefore submitted that amendment claim 1 is also not anticipated by Seewald, and the withdrawal of the rejection of claim 1 under 35 U.S.C. 102(b) is respectfully requested.

Claims 3-6 and 8-17 depend from claim 1 and are submitted to be allowable over Seewald for at least the same reasons as claim 1.

Claim 18 was rejected under 35 U.S.C. 102(b) as being anticipated by Seewald. By the above amendment, claim 18 has been cancelled thereby obviating this rejection

under 35 U.S.C. 102(b).

REJECTIONS UNDER 35 U.S.C. 103(a)

Claim 2 was rejected under 35 U.S.C. 103(a) as being unpatentable over Seewald in view of Cribari. Claim 2 recites a heat exchanger for a motor vehicle air conditioning system that includes at least one collecting tank made of sheet metal and that is divided in the longitudinal direction into at least two chambers. The ends of pipes are introduced in a base thereof, and the collecting tank exhibits a tunnel-shaped collecting tank part, an essentially flat collecting tank part which forms the base, and covers which are arranged in each case on a front side. At least one of the covers is embodied in a flat manner, at least in the area of its outer edge, and is positioned in the collecting tank with a positive fit. Furthermore, the at least one of the covers is introduced from the front side and on a collecting tank side lies against a number of stops that are formed on the tunnel-shaped part of the collecting tank and/or on the flat part of the collecting tank.

The Office Action acknowledges that Seewald does not show at least stops formed on a tunnel-shaped part of a collecting tank. However, the Office Action indicates that it would have been obvious to add such stops to Seewald based on the teachings of Cribari. It is respectfully submitted that the problem addressed by Cribari does not exist in Seewald, and thus one of ordinary skill in the art would have no reason to modify Seewald as proposed by the Office Action. For this reason, as discussed in more detail below, a prima facie case of obviousness has not been presented in connection with claim 2, and claim 2 is submitted to be allowable.

Seewald discloses a flat member 9, Figure 1a, having end covers 2 that can be folded into a position as shown in Figure 2. These elements are made of sheet metal according to the machine translation of Seewald from the EPO website, and one of ordinary skill in the art would understand that these bent-up sheet metal end covers can remain in the position of Figure 2, approximately perpendicular to base 9, without additional support. As shown in Figure 3 of Seewald, a cover 15 can be placed over the base 9 and end covers 2. It does not appear that the position of end covers 2 changes when cover 15 is attached.

Cribari teaches a method of holding a loose member 6 in position. However, Seewald does not include any loose member that needs to be retained in a given position; Seewald's end covers 2 will stay in the position shown in position without the use of stops as proposed by the Office Action. One of ordinary skill in the relevant art would therefore have no reason to provide Seewald with stops as suggested by the Office Action. Because a proper reason for modifying Seewald has not been provided, a prima facie case of obviousness has not been presented, and claim 2 is submitted to be allowable over Seewald and Cribari for at least this reason.

If the rejection of claim 2 is maintained, it is respectfully requested that the examiner identify the reason that one of ordinary skill in the art would have added stops to Seewald when Seewald's end covers 2 appear to stay in a desired position without the use of stops. It is respectfully submitted that "for the purpose of positioning the cover" as stated in the Office Action does not appear to be a valid reason given that Seewald's covers 2 do not require further positioning after they are bent into a desired position.

Claims 3-6 and 8-17 depend from claim 1 and are submitted to be allowable over Seewald for at least the same reasons as claim 1.

Claim 19 recites a heat exchanger that includes, inter alia, at least one collecting tank having first and second generally tubular chambers, first and second covers mounted in first open ends of the first and second chambers, and at least one stop projecting into the first tubular chamber near the first open end of the first tubular chamber for limiting movement of a first cover into the first tubular chamber. Claim 19 also recites that the first tubular chamber includes at least one flexible tab bendable from a first position allowing the first cover to move away from the at least one stop and a second position overlying a peripheral portion of the cover for substantially preventing the first cover from moving away from the at least one stop. As discussed above in connection with claim 1, Seewald does not include at least one stop, and, because Seewald's covers 2 are bent-up portions of sheet metal, there is no reason to add stops such as the ones in Cribari, to Seewald. Likewise, Seewald's covers 2 do not require flexible tabs as recited in claim 19. The retaining elements disclosed in Cribari are needed to hold a removable element in place; since Seewald includes a unitary structure that is bent, no additional stops or tabs are required. One of ordinary skill in the art would have no reason to add stops or tabs to Seewald based on the teachings of Cribari, and claim 19 is submitted to be allowable over Seewald and Cribari for at least this reason.

Claim 20 depends from claim 19 and is submitted to be allowable for at least the same reasons as claim 19.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seewald

in view of Chiba. Claim 8 depends from claim 1. Chiba does not address the shortcomings of Seewald discussed above in connection with claim 1. Claim 8 is therefore submitted to be allowable for at least the same reasons as claim 1.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seewald in view of Gowan. Claim 10 depends from claim 1. Gowan does not address the shortcomings of Seewald discussed above in connection with claim 1. Claim 10 is therefore submitted to be allowable for at least the same reasons as claim 1.

Claims 13, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seewald in view of Yamamoto '935. Claims 13, 14 and 16 depend from claim 1. Yamamoto '935 does not address the shortcomings of Seewald discussed above in connection with claim 1. Claims 13, 14 and 16 are therefore submitted to be allowable for at least the same reasons as claim 1.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seewald in view of Yamamoto '458. Claim 15 depends from claim 1. Yamamoto '458 does not address the shortcomings of Seewald discussed above in connection with claim 1. Claim 15 is therefore submitted to be allowable for at least the same reasons as claim 1.

### **CONCLUSION**


Each issue raised in the Office Action dated April 7, 2010, has been addressed, and it is believed that claims 1, 3-6, 8-17, 19 and 20 are in condition for allowance. Wherefore reconsideration and allowance of these claims is earnestly solicited. If the examiner believes that any additional changes would place the application in better condition for allowance, the examiner is invited to contact the undersigned attorney at

the telephone number listed below.

*Deposit Account Authorization*

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-3828 and please credit any excess fees to such deposit account.

Respectfully submitted,

  
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